

(WJM)

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Petition for Summons for Offender Under Supervision

Name of Offender: STEVEN HERTZ

Docket Number: 2:09cr30-01

PACTS Number: 53926

Name of Sentencing Judicial Officer: HONORABLE JOSEPH A. GREENAWAY, JR.
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 01/06/2010

Original Offense: WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX,
U.S.C. Title 26:7203 & 2.

Original Sentence: 5 months imprisonment; One year supervised release. Special conditions: 5 months
location monitoring; financial disclosure; cooperate with IRS and no new lines of credit.

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/01/10

Assistant U.S. Attorney: Joseph George Mack, 970 Broad Street, Room 502, Newark, New Jersey 07102,
(973) 645-2700

Defense Attorney: Lawrence S. Lustberg, Esquire, Gibbons, PC, One Gateway Center, Newark, New Jersey
07102-5310, (973) 596-4731

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 The offender has violated the standard supervision condition which states 'You shall submit a truthful and complete written report within the first five days of each month.'

The defendant failed to submit monthly supervision reports within the first five days of each month for the following months: April 2011, May 2011 and June 2011. At the direction of the Probation Officer, on August 1, 2011, the offender submitted the delinquent reports including the month of July 2011. However, he failed to provide complete information regarding his income for the month of April 2011 report and failed to provide proof of income for the April, May, June

and July 2011 reports.

2

The offender has violated the special supervision condition which states 'COOPERATION WITH THE INTERNAL REVENUE SERVICE.' You are to fully cooperate with the Internal Revenue Service by filing all delinquent or amended returns within six months of the sentence date and to timely file all future returns that come due during the period of supervision. You are to properly report all correct taxable income and claim only allowable expenses on those returns. You are to provide all appropriate documentation in support of said returns. Upon request, you are to furnish the Internal Revenue Service with information pertaining to all assets and liabilities, and you are to fully cooperate by paying all taxes, interest and penalties due, and otherwise comply with the tax laws of the United States.'

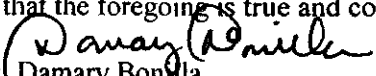
On August 16, 2011, the IRS informed U.S. Probation that the offender contacted their agency and stated he wanted to make an Offer in Compromise. However, as of August 30, 2011, the Offer in Compromise has not been submitted to the IRS. In addition, during May 2011, the offender made a \$500.00 payment to the IRS which was returned due to insufficient funds.

3

The offender has violated the special supervision condition which states 'You shall pay a fine of \$3,000.00. In the event the fine is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of no less than \$100.00 to commence 30 days after release from confinement'

Our records note that the offender's last payment toward the fine was on January 25, 2011. To date, he has paid \$375.00 and has an outstanding balance of \$2,625.00.

I declare under penalty of perjury that the foregoing is true and correct.


By: Damary Bonilla
U.S. Probation Officer
Date: 9/7/11

THE COURT ORDERS:

☐ The Issuance of a Warrant

☒ The Issuance of a Summons. Date of Hearing: To be set

☐ No Action

☐ Other


Signature of Judicial Officer

9/22/11
Date